

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

MICHAEL ALLEN, et al.)	
)	
)	
Plaintiffs,)	
V.)	Case No. 2:06-cv-879-WKW
)	
UNITED STATES OF AMERICA)	
)	
Defendant.)	

WALLACE MONTGOMERY, et al.)	
)	
)	
Plaintiffs,)	
V.)	Case No. 2:06-cv-880-WKW
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

DEFENDANT UNITED STATES' DEPOSITION DESIGNATIONS

COMES NOW, Defendant United States of America, by and through its undersigned counsel, and hereby submits this designation of deposition testimony to be offered at trial pursuant to Federal Rules of Civil Procedure 26(a)(3) and 32 and this Court's December 21, 2006, order:

1. Such deposition transcript and exhibits of a physician (to be named later) for the independent medical examination of Wallace Montgomery and opinion as to the post-accident treatment rendered along with costs.
2. The United States anticipates all of its other witnesses will testify live during trial.

However, the United States reserves the right to introduce the deposition testimony of any witness listed in its designated witness list should a witness become unavailable or otherwise unable to attend trial due to the circumstances set forth in Federal Rule of Civil Procedure 32(a)(3)(A)-(E).

3. The United States reserves the right to designate portions of any and all depositions that have not yet been taken.

4. The United States reserves the right to designate portions of any and all depositions whose transcripts have not been received.

5. The United States designates the following deposition excerpts:

a. Deposition of Dr. David Covall:

- i. Page 8, lns. 8-13, 22-23.
- ii. Page 19, lns. 14-20.
- iii. Page 22, lns. 13-17.
- iv. Page 56, lns. 1-6, 21-24.
- v. Page 57, lns. 23-25; Page 58, lns. 1-6.
- vi. Page 60, lns. 4-10.
- vii. Page 74, lns. 21-25; Page 75, lns. 1-2, 10-15.
- viii. Page 79, lns. 8-12, 24-25; Page 80, lns. 1-6.
- ix. Page 82, lns. 4-17.

b. Deposition of Dr. Richard Cummings

- i. Page 19, lns. 9-13.
- ii. Page 28, lns. 4-13.

- iii. Page 32, lns. 6-11.
- iv. Page 40, lns. 7-15.
- v. Page 44, lns. 21-23; Page 45, lns. 1-8.

6. The United States further reserves the right to respond to the plaintiffs' page and line designations pursuant to the Court's December 21, 2006, order.

Respectfully submitted this 16th day of January, 2008.

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing upon counsel for Plaintiffs by electronic filing, CM/ECF, and by mailing a copy of same, first-class, postage-prepaid, addressed:

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Dated this 16th day of January, 2008.

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